

MANDATE

04-40089

Stearns, R.

United States Court of Appeals For the First Circuit

No. 05-1048

JOSEPH MARION HEAD, JR.

Plaintiff - Appellant

v.

UNITED STATES; DAVID L. WINN, Warden, Federal
Medical Center, Devens; STATE OF NORTH CAROLINA

Defendants - Appellees

JUDGMENT

Entered: May 9, 2005

By notice issued April 20, 2005, appellant was notified that he was in default for failure to file an opening brief. Appellant was warned that unless he filed a brief by May 4, 2005, his appeal would be dismissed for lack of diligent prosecution.

Appellant having failed to file a brief, it is hereby ordered that the above-captioned appeal be dismissed in accordance with Loc. R. 45(a) and 3(b).

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

DLF
Deputy Clerk

Date: 10/28/05

By the Court:
Richard Cushing Donovan, Clerk

JULIE GREGG

By: _____
Operations Manager

[cc: Joseph Marion Head, Jr., Michael J. Sullivan, Esq. and Roy Cooper, Esq.]